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JUN 19 2007

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte PAUL WALTER BAIER, MARTIN HAARDT  
and MARTIN WECKERLE

Application 09/889,518

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 13, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On May 1, 2007, applicants filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

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(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Also, the Examiner's Answer mailed March 1, 2007, does not comply with the heading set forth in the new rules under 37 CFR § 41.37(c) effective September 13, 2004. See MPEP 1207.02. Correction is required.

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Accordingly, it is

**ORDERED** that the application is remanded to the Examiner:

- 1) for consideration and proper response to the Reply Brief filed May 1, 2007.
- 2) to issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: Patrick J. Nolan  
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PJN/gjh

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